

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL SCOTT,

Plaintiff,

v.

2:21cv1805

Electronic Filing

WESLEY BIRICOCCHI Narcotics Agent,)
CHAIRMAN SEAN KERTES Chairman)
for Westmoreland County Commissioner's)
Office, **WESTMORELAND COUNTY**)
PRISON Greensburg Municipal Hempfield)
Township, **WEXFORD HEALTH**)
SOURCES, INC. Westmoreland County's)
Medical Department, **ERIC B.**)
SCHWARTZ Deputy Warden of)
Treatment, **LEISHA REHARD** Operations)
Manager Designee, Fiscal Department.)
Defendants.)

ORDER OF COURT

AND NOW, this 12th day of February, 2024, upon due consideration of the Magistrate Judge's report of January 17, 2025, recommending that this case be dismissed because of plaintiff's failure to prosecute and defendant Wesley Birococchi's motions to dismiss be denied as moot, to which objections were due on January 31, 2025, and with no objections having been filed, and after *de novo* review of the record, IT IS ORDERED that this action be, and the same hereby is, dismissed for failure to prosecute. A final judgment order pursuant to Rule 58 in the form of dismissal will follow; and

IT FUTHER IS ORDERED that [60], [65] defendant Birococchi's motions to dismiss be, and the same hereby are, denied as moot. The [68] Magistrate Judge's Report and Recommendation of January 17, 2025, is adopted as the opinion of the court.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Michael Scott
1114-2021
Westmoreland County Prison
000 S. Grande Boulevard
Greensburg, PA 15601

(Sent Via First Class Mail)

Scott A. Bradley, Esquire
Scott Avolio, Esquire
Christopher J. Watson, Esquire
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(Via CM/ECF Electronic Mail)